

Fink, Robert - NY

From: Fink, Robert - NY
Sent: Thursday, February 10, 2000 10:29 AM
To: 'azulrich@ [REDACTED]'
Subject: RE:

As for your inquire about what they meant in the letter about a willingness to negotiate Marc's surrender, that is not necessarily intended to be a facetious comment. I have had "discussions" about this in the past. At those times the office offered to do a variety of things, none of which are necessarily still on the table. First, I was told at one point that they would drop the RICO charge if we wanted if Marc came in. They would also agree in advance on bail, etc. so that he would not be incarcerated pending trial (although he would have to surrender his passport). They also said they would meet with the lawyers, professors, etc and do a full review before proceeding to a trial to make sure that upon careful examination they stood on the strength of their case. But they were not willing to do the full examination while Marc remained off shore and could simply turn down the best deal available after all of the work. Said differently, they were willing to negotiate if they knew that, one way or the other, the matter would be resolved either at the bargaining table or at trial. The only other alternative offered was to simply plea to one or more felony counts, and they (Otto) were open to discussion on this issue.

As for your other question, to the best of my knowledge, other than the negative answer, all other matters remain the same.

I will let you know when I know more.

Best regards, Bob

-----Original Message-----

From: Avner Azulay [REDACTED]
Sent: Thursday, February 10, 2000 10:00 AM
To: Fink, Robert - NY
Subject: Re:

I am not exactly surprised. I foresaw this answer from the moment I read JQ's ltr. I hate to say that "I told you so"..I was surprised by JQ's optimistic report. Although he was quite careful in pointing out the pending problems. MR sent me a copy of the answer. Do I read correctly the para that says that they are willing to negotiate his "surrender"? Do we have an idea on what is there to negotiate? Was this discussed in the past? The present impasse leaves us with only one other option: the unconventional approach which has not yet been tried and which I have been proposing all along. Other than the negative answer from the DOJ-NYSD- all other factors remain the same. What do you say? regards-Avner

Fink, Robert - NY wrote:

> We received a negative response to our overture from Shira. She said her
> office will not negotiate while Marc is away, and that the DoJ agrees. JQ
> was surprised and disappointed that the DoJ had agreed even though he had
> not heard from Eric. He called Eric who said that he had not seen the letter
> and JQ faxed it to him. JQ hopes to speak to him later today (and I have a
> call into JQ as a reminder). I told Marc earlier today but had hoped to
> know Eric's position before I did so at least I could give him the whole
> picture. I will speak to you tomorrow if you call and give you a full
> update, although there is not much more to say. Let me know if you want me
> to fax a copy of their letter, and if so, where and when.
> Disappointed in New York, Bob

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> The e-mail address and domain name of the sender changed on November 1, 1999. Please update your records.
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> Thank you.
>

PMR&W 00697

